



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,052	09/28/2001	Kenneth L. Oakeson	10010793-1	4826

7590

12/16/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,052

Applicant(s)

OAKESON ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 9/20/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This Action is in response to amendment filed on 9/20/2005.
2. Claims 1-11 and 18-23 are presented for examination.
3. The rejection of claims 7 and 8 under 35 U.S.C. 112, second paragraph is withdrawn in view of the amendment.
4. Claim 7 is objected to because the following informalities:
Lines 15-16, "said first identifier" should be "said first unique identifier".
Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn et al. (US 6,782,253 B1), hereinafter Shteyn.

Art Unit: 2154

7. As for claim 1, Shteyn discloses the invention as claimed, including a method of discovering local devices or services (col. 10, lines 11-22) comprising:

associate at least one unique identifier with at least one location (beacon's ID; col. 10, lines 11-33; col. 1, lines 46-55);

associate one or more device with said at least one unique identifier (facilitation signal carrying the beacon's ID on cell phone; col. 5, lines 41-47; the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33) based on a unique identifier acquired by each device at a location associated with the unique identifier (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54); and

provide an indication of said one or more device or service that are associated with said at least one unique identifier (fig 5; guide contains indications of beacon-associated services; col. 7, lines 38-54; slot 502 comprises the beacon's ID... slot 506 has an indication of a class of services; col. 8, lines 42-58; col. 10, lines 11-33), such that a first device associated with a first unique identifier is made aware of other devices or services that are available for use and are associated with the first unique identifier (download to the mobile phone a guide...the guide contains indications of beacon-

Art Unit: 2154

associated services; col. 7, lines 38-54; slot 502 comprises the beacon's ID... slot 506 has an indication of a class of services; col. 8, lines 42-58; the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33; col. 1, lines 52-58).

8. As for claim 2, Shteyn discloses the method of claim 1, wherein associating said one or more device or service comprises associating multiple devices or services with said at least one unique identifier (col. 7, lines 33-54; col. 10, lines 11-25).

9. As for claim 3, Shteyn discloses the method of claim 2, said associating multiple devices or services with said at least one unique identifier comprises associating multiple different devices or services with said at least one unique identifier (col. 7, lines 33-54; col. 10, lines 11-25).

10. As for claim 4, Shteyn discloses the method of claim 1, receiving a message from a client device that contains a unique identifier of one or more of the locations (col. 10, lines 11-21; see also col. 1, lines 52-55);

ascertaining from said unique identifier any devices or services that are associated with a location that corresponds to said unique identifier (col. 3, lines 47-50; col. 10, lines 11-21; see also col. 1, lines 52-55); and

replying to said client device with a list of available devices or services for the location (col. 10, lines 11-25; see also col. 1, lines 46-55).

11. As for claim 5, Shteyn discloses the method of claim 4, wherein said acts of receiving and replying are accomplished via a network (Fig. 1).

12. As for claim 6, Shteyn discloses the method of claim 4, wherein said acts of receiving and replying are accomplished via the Internet (col. 7, lines 30-32).

13. As for claim 7, Shteyn discloses one or more computer-readable media having computer-readable instructions thereon which, when executed by one or more processors (col. 3, line 52 – col. 4, line 17), cause the one or more processors to:

associate at least one unique identifier with at least one location (beacon's ID; col. 10, lines 11-33; col. 1, lines 46-55);

associate one or more device with said at least one unique identifier (facilitation signal carrying the beacon's ID on cell phone; col. 5, lines 41-47; the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33) based on a unique identifier acquired by each device at a location associated with the unique identifier (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54); and

provide an indication of said one or more device or service that are associated with said at least one unique identifier by:

receiving a message containing a first unique identifier (col. 3, lines 1-16; mobile first access a preset URL based on the ID; col. 10, lines 11-21; col. 1, lines 52-55);

ascertaining said one or more device or service currently available for use to a sender of the message based upon said first unique identifier (col. 3, lines 47-50; if the service is deemed to match the user's current interest and intent; col. 9, lines 12-24; based on the ID in order to find the locale's service directory; col. 10, lines 11-33); and

replying to the sender of the message with a list of available devices or services for a location corresponding to said first unique identifier (announcement to the user along with URL's for the user to activate the services; col. 10, lines 11-25; server returns an XML document including geographic location of each provider's service; col. 1, lines 55-62).

14. As for claim 8, Shteyn discloses a server embodying the one or more computer-readable media of claim 7 (server 116, Fig. 2; see also col. 1, lines 45-48).

15. As for claim 9, Shteyn discloses a method of discovering local devices or services (col. 10, lines 11-22) comprising:

associating multiple unique identifiers with multiple related locations, each related location having a unique identifier (col. 10, lines 11-33; col. 1, lines 46-55);

receiving a report that a device has acquired a unique identifier corresponding to

Art Unit: 2154

particular location (unique beacon's ID inherently corresponds to particular location), the device being located at the particular location (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54);

associating one or more device with one or more of the unique identifiers based on reports received from one or more device (col. 3, lines 1-16; col. 7, lines 38-54; col. 10, lines 11-33), the one or more device or service being accessible from a location that corresponds to a unique identifier (col. 10, lines 11-33; col. 1, lines 46-55);

receiving a message from a client device that contains a unique identifier of one or more of the locations (col. 10, lines 11-21; col. 1, lines 52-55);

ascertaining from said unique identifier any devices or services that are associated with a location that corresponds to said unique identifier (col. 3, lines 47-50; if the service is deemed to match the user's current interest and intent; col. 9, lines 12-24; based on the ID in order to find the locale's service directory; col. 10, lines 11-33); and

replying to said client device with a list of available devices or services for the location (announcement to the user along with URL's for the user to activate the services; col. 10, lines 11-25; server returns an XML document including geographic

Art Unit: 2154

location of each provider's service; col. 1, lines 55-62), wherein said available devices on the list reported acquisition of said unique identifier (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54; broadcasting facilitation signals that are associated with goods; col. 3, line 62 – col. 4, line 3).

16. As for claim 10, Shteyn discloses the method of claim 9, wherein said acts of receiving and replying are accomplished via a network (Fig. 1).

17. As for claim 11, Shteyn discloses the method of claim 9, wherein said acts of receiving and replying are accomplished via the Internet (col. 7, lines 30-32).

18. As for claims 18 and 22, Shteyn discloses a method and system of discovering local devices (col. 10, lines 11-22) comprising:

acquiring a unique identifier that is associated with a location for which one or more corresponding devices or services are desired to be discovered (col. 3, lines 47-50; col. 10, lines 11-33 ; see also col. 1, lines 52-58);

sending a message containing the unique identifier over a network and to an

Art Unit: 2154

entity from which the devices or services can be discovered (col. 10, lines 11-25; col. 1, lines 55-58); and

receiving a reply from the entity, the reply containing a list of available devices or services for the location (announcement to the user along with URL's for the user to activate the services; col. 10, lines 11-25; server returns an XML document including geographic location of each provider's service; col. 1, lines 55-62), wherein the available devices acquired the unique identifier at the location (facilitation signals that are associated with goods; col. 3, line 62 – col. 4, line 3) and reported acquisition of the unique identifier to the entity (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54).

19. As for claim 19, Shteyn discloses the method of claim 18, wherein said acquiring comprises receiving manually entered data comprising the unique identifier (considered inherent to normal use of the web-enabled client device disclosed by Shteyn, such as by entering a url; see also, col. 1, lines 19-34).

20. As for claim 20, Shteyn discloses the method of claim 18, wherein said acquiring

comprises automatically acquiring the unique identifier with the client device (col. 10, lines 11-25; see also col. 1, lines 55-58).

21. As for claim 21, Shteyn discloses the method of claim 18, wherein said acts of sending and receiving comprise doing so via the Internet (col. 7, lines 30-32).

22. As for claim 23, Shteyn discloses a client device embodying the one or more computer-readable media of claim 22 (mobile phone 108, Fig. 1).

Conclusion

23. Applicant's arguments filed on 9/20/2005 have been fully considered but they are not persuasive.

24. In the remarks, applicants argued in substance that:

(1) Regarding claims 1-11, Applicants submit that Shteyn does not teach or suggest a method or system performing the steps of "associating one or more device with said at least one unique identifier based upon a unique identifier acquired by each device at a location associated with the unique identifier".

In reply to argument (1), the examiner respectfully disagrees. Shteyn discloses a device receives a unique identifier (beacon's ID; broadcasting facilitation signal carrying beacon's ID to a mobile phone; col. 10, lines 11-15; col. 5, lines 41-47; col. 6, lines 39-40) on entering a particular location associated with the unique identifier

Art Unit: 2154

(unique beacon's ID inherently corresponds to the specific location information; when the user's device is within range of the beacon the facilitation signal initiates associating the facilitation signal with a service; col. 3, lines 1-16; facilitation signals that are associated with goods; col. 3, lines 62-64; each specific one of the beacons is associated with a certain geographic location; col. 6, lines 18-27; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54; col. 10, lines 11-33), and based upon receiving the beacon's ID, the device can associate with the beacon's ID in order to find the locale's service or goods (based on the received the beacon's ID in order to find the locale's service directory; col. 10, lines 11-33). This clearly reads on applicant's claim language "associate one or more device with said at least one unique identifier (facilitation signal carrying the beacon's ID on cell phone; col. 5, lines 41-47; the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33) based on a unique identifier acquired by each device at a location associated with the unique identifier (when the user's device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54; broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33)".

(2) Regarding claims 1-11, Shteyn does not teach or suggest “providing an indication of said one or more device or service that are associated with said at least one unique identifier, such that a first device associated with a first unique identifier is made aware of other devices or services that are available for use and are associated with the first unique identifier”.

In reply to argument (2), Shteyn discloses provide an indication of said one or more device or service that are associated with said at least one unique identifier (fig 5; guide contains indications of beacon-associated services; col. 7, lines 38-54; slot 502 comprises the beacon's ID... slot 506 has an indication of a class of services; col. 8, lines 42-58; col. 10, lines 11-33), such that a first device associated with a first unique identifier is made aware of other devices or services that are available for use and are associated with the first unique identifier (download to the mobile phone a guide...the guide contains indications of beacon-associated services; col. 7, lines 38-54; slot 502 comprises the beacon's ID... slot 506 has an indication of a class of services; col. 8, lines 42-58; the mobile phone associating with the received the beacon's ID in order to find the locale's service; col. 10, lines 11-33; col. 1, lines 52-58).

(3) Regarding claims 7-8, Applicants submit that Shteyn fails to teach or suggest at least the steps of “receiving a message containing a first unique identifier” and “replying to the sender of the message with a list of available devices or services for a location corresponding to said first unique identifier”, as recited in independent claim 7. In contrast, Shteyn discloses that a mobile device may receive a facilitation signal and use

Art Unit: 2154

it to acquire general information of interest, but it fails to show that a device is made aware of other devices or services in the same location that have acquired the same unique identifier for the same location.

In reply to argument (3), Shteyn explicitly discloses a device (mobile phone) is made aware of other devices or services in the same location (download a guide on the mobile phone that contains indications of beacon-associated services for a variety of cafes, shops, amusements, utility services in the shopping mall; col. 7, lines 42-45) that have acquired the same unique identifier for the same location (col. 7, lines 42-54; each specific one of the beacons is associated with a certain geographic location; col. 6, lines 18-27; col. 10, lines 11-22). Therefore, Shteyn satisfies the teachings of the steps of “receiving a message containing a first unique identifier” and “replying to the sender of the message with a list of available devices or services for a location corresponding to said first unique identifier”.

(4) Regarding claims 9 and 10-11, applicants submit that Shteyn fails to teach or suggest at least one steps “receiving a report that a device has acquired a unique identifier corresponding to particular location, the device being located at the particular location” and “replying to said client device with a list of available devices or services for the location, wherein said available devices on the list reported acquisition of said unique identifier,” as recited in claim 9. For example, any list of devices or services that may be disclosed in Shteyn are programmed to be associated with a beacon, as previously discussed, and are not the result of acquiring and acknowledge acquisition of

Art Unit: 2154

a unique identifier.

In reply to argument (4), Shteyn teaches “receiving a report that a device has acquired a unique identifier corresponding to particular location (unique beacon’s ID inherently corresponds to particular location), the device being located at the particular location (broadcasting the facilitation signal carrying the beacon’s ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon’s ID in order to find the locale’s service; col. 10, lines 11-33; when the user’s device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54) and replying to said client device with a list of available devices or services for the location (announcement to the user along with URL’s for the user to activate the services; col. 10, lines 11-25; server returns an XML document including geographic location of each provider’s service; col. 1, lines 55-62), wherein said available devices on the list reported acquisition of said unique identifier (broadcasting the facilitation signal carrying the beacon’s ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon’s ID in order to find the locale’s service; col. 10, lines 11-33; when the user’s device is within range of the beacon the facilitation signal initiates associating with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54; broadcasting facilitation signals that are associated with goods; col. 3, line 62 – col. 4, line 3)”.

(5) Regarding claims 18 and 19-23, Applicants submits that Shteyn fails to teach or suggest at least the step of "receiving a reply from the entity, the reply containing a list of available devices or services for the location, wherein the available devices acquired the unique identifier at the location and reported acquisition of the unique identifier to the entity," as recited in claim 18, since Shteyn fails to teach or suggest the aspect of receiving a list of available devices for a location, where each device acknowledge acquisition of a unique identifier for a location.

In reply to argument (5), Shteyn clearly teaches based upon receiving of the beacon's ID at a mobile device, the mobile device can receive a list of available devices or services for the location (based on the ID in order to find the locale's service directory; col. 10, lines 11-33; col. 7, lines 42-54). This clearly reads on applicant's claim language receiving a reply from the entity, the reply containing a list of available devices or services for the location (announcement to the user along with URL's for the user to activate the services; col. 10, lines 11-25; server returns an XML document including geographic location of each provider's service; col. 1, lines 55-62), wherein the available devices acquired the unique identifier at the location (facilitation signals that are associated with goods; col. 3, line 62 – col. 4, line 3) and reported acquisition of the unique identifier to the entity (broadcasting the facilitation signal carrying the beacon's ID in a certain locale to the mobile phone, then the mobile can access a URL based on the received beacon's ID in order to find the locale's service; col. 10, lines 11-33; when the user's device is within range of the beacon the facilitation signal initiates associating

Art Unit: 2154

with a service; col. 3, lines 1-16; on entering a shopping mall a user causes such a guide to be downloaded...the guide contains indications of beacon-associated services; col. 7, lines 38-54).

For all of these reasons above, claims 1-11 and 18-23 are properly rejected under 35 U.S.C. 102(e) as anticipated by Shteyn et al. (US 6,782,253 B1).

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone

Art Unit: 2154

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jungwon Chang'.

Jungwon Chang
December 6, 2005